

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL MEMORANDUM

SB 927 – HB 1348

May 15, 2009

SUMMARY OF AMENDMENT (008586): Deletes language of the original bill and grants the court authority to order the defendant in a capital case post-conviction proceeding to be evaluated for a mental condition on an outpatient basis if no prior evaluation has been conducted. If the outpatient evaluator concludes that an inpatient evaluation is necessary, the court may order the defendant to be hospitalized for not more than 30 days.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – Exceeds \$100,000

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

MINIMAL

Assumptions applied to amendment:

- Pursuant to Tennessee Supreme Court Rule 13, the Administrative Office of the Courts (AOC) currently compensates mental health experts at the rates and caps specified by Rule 13 for evaluations for capital post-conviction petitioners.
- It is assumed that the proposed bill as amended will codify the current practice of the AOC. No fiscal impact on state government.
- The provisions of the bill limit mental health evaluations for capital post-conviction petitioners only in cases in which there has not been a previous mental health evaluation. This limitation is not included in Tennessee Supreme Court Rule 13.
- If the proposed bill as amended limits the amount of mental health evaluations for capital post-conviction petitioners, there could be a decrease in expenditures. The amount of decrease is unknown.

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CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a larger, more prominent script than the last name "White".

James W. White, Executive Director

/kml